themselves of the best options they were able to perceive—and that the choices of some became habits for others.

The logic of welfare reform—welfare repeal, some call it—is that the best way to force better choices is to reduce the number of bad options. If it becomes a matter of work or starve, the reasoning goes, everybody will work.

But for many long-term recipients, nonwork has been more the product of habit than of calculation. Thousands of people, I'm convinced, are afraid of work, in the sense that they doubt their ability to survive in a world that demands skills and attitudes they may not possess. They may talk of being unwilling to work for the ''chump change'' of entry-level work, but it may be the demands of the workplace and not the low pay that frightens them.

What can be done?

''What we need is to establish a new migratory pattern,'' Robert L. Woodson Sr. said when I put the question to him. ''The people who went from rural Mississippi to Detroit did so because they keep getting positive feedback from those who'd already made the trip. The photographs, the sophistication, the Cadillacs rented for trips back home—all these produced a culture of expectation. People looked and said, 'Hey, he's no smarter than I am. I could do it, too.'''

Actually, says Woodson, president of the National Center for Neighborhood Enterprise, the necessary migration has been underway for sometime—not from one place to another but from one attitude to another. ''Five women who might have grown fat and indolent in public housing started a tentative migration toward tenant management, responsible behavior and college for their children, sparking an important national movement. Thousands of others have quietly decided to leave the life of dependency and take a tentative step into the world of work.''

Unfortunately, the media and the policy establishment tend to focus on those who don't join the migration rather than on those who do. As a result, the feedback isn't there. Many poor people don't know that they could start at the bottom and gradually work their way up, and the rest of us see only laziness, not doubt or fear.

Woodson thinks we should take advantage of the two-years-and-out provision of welfare reform to help present welfare recipients overcome their fears. How? By using as a resource those friends and neighbors who've already begun the migration away from dependency. ''We need to look to people in those same neighborhoods who've made the move, whose children are not dropping out of school or dealing dope or getting in trouble, to show the others what is possible. We need to tell them maybe they could quit their job at the phone company or as a hotel maid and work full-time helping their peers find their way out. It would be well worth whatever we had to pay them.''

Gradually, the reasoned behavior of the few could become patterns for the many, and most would be far better off than before.

But not all. It is altogether predictable that some will go on making behavioral choices as though the welfare safety net is still in place long after it has been taken down and quietly packed away. They and their children will suffer, at least until the new habits take hold. What should we do about them in the meantime?

Woodson doesn't know. He only knows that it makes more sense to build public policy on the vast majority than on the intractable few.

TRIBUTE TO JULIA L. JAMES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. TOWNS. Mr. Speaker, I want to highlight the contributions of Julia James, the sixth of nine children born to Reverend and Mrs. Henry R. James, who encouraged her to be independent and courageous.

In her life, Julia has chosen a professional path in the field of accounting, and is a Certified Public Accountant [CPA] in the State of New York. She earned an M.B.A. from New York University and is a member of the American Institute of Certified Public Accountants and the Institute of Management Accountants. Mrs. James has established an accounting practice that provides accounting expertise to local businesses and community organizations.

A dedicated community worker, Julia serves as a member of Community School Board District No. 18, which represents the East Flatbush and Canarsie areas of Brooklyn. She is also the chairperson of the East Brooklyn Community Organization which is a community based organization dedicated to improving the quality of life of residents in East Flatbush. I am pleased to recognize her personal achievements and community involvement.

ALTERNATIVE DISPUTE RESOLUTION AND SETTLEMENT ENCOURAGEMENT ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. COBLE. Mr. Speaker, today, I am pleased to introduce a bill which will provide concrete steps to restore accountability, efficiency, and fairness to our Federal civil justice system, the Alternative Dispute Resolution and Settlement Encouragement Act. This legislation will implement a more complete, fair, and effective policy than exists at present to favor alternative means of resolving disputes and to encourage compromise by parties to Federal litigation. The effect of these changes will be to: First, provide for a quicker, more efficient way to resolve some Federal cases when the parties so choose; second, lessen the incentive to litigate and consequently the caseload burdens faced by the Federal judiciary; and third, assure that only meritorious and justiciable cases supported by scientific facts be adjudicated in Federal courts.

This legislation would require all Federal district courts to establish an arbitration program, which in the discretion of the court could be either voluntary or mandatory. In 1988 Congress enacted chapter 44 of title 28 U.S.C. in order to authorize 10 pilot programs of mandatory court annexed arbitration that were in operation in the Federal courts, as well as to authorize 10 additional districts, which were to be selected later by the U.S. Judicial Conference, for voluntary programs. The legislation further required that the Federal Judicial Center [FJC] submit a report on the implementation of the act, which it transmitted to Congress on October 4, 1991. Based upon this study, the Federal Judicial Center recommended to Congress that it enact a provision authorizing all Federal courts to adopt, in their discretion, local rules for arbitration to be mandatory or voluntary in the discretion of various courts. This bill does just that.

The goal of court-annexed arbitration is to provide more options for litigants, while reducing cost, delay, and court burden. In addition, it is the only option that provides to litigants in cases where smaller amounts are in controversy the opportunity for an early advisory adjudication on the merits of the case.

In addition to creating more opportunities for alternative dispute resolution, this bill will also encourage parties to settle their cases by offering an incentive to accept good offers of settlement. This section of the legislation, developed in the last Congress by Representative BOB GOODLATTE of Virginia, a senior member of the Judiciary Subcommittee on Courts and Intellectual Property, would amend 28 U.S.C. section 1332, the provision granting diversity jurisdiction in U.S. district courts, by creating an incentive triggered by an offer of settlement. The intent of this procedure is to encourage and facilitate the early settlement of lawsuits and reduce protracted litigation. The offer of settlement procedure would allow a party to make, by filing with the court in writing and serving on an adverse party, at any time up to 10 days before trial, a formal offer to settle any or all claims in a suit for a specified amount. If the offer of settlement is accepted, the claim or claims are resolved pursuant to the terms of the agreement. If the offer is rejected, however, and the offeree does not obtain a judgment, order, or verdict more favorable than that offered on the applicable claims, the offeree is liable for the costs and attorney's fees of the offeror for those claims from the date the last offer was made by the adverse party. Usually this will be for an amount including costs of up to 10 days before trial.

There are two exceptions to the requirement that a court award costs and attorneys fees. The first exception would allow the court to exempt certain individual cases based upon express findings that the case presents novel and important questions of law or fact and that it substantially affects nonparties. The second instance where a court would not be required to award costs and attorney's fees or may reduce such costs or fees would be when it finds that it would be manifestly unjust to do so.

This bill would not necessarily require an offeree to pay the entire amount of the offerer's attorney's fees. Rather, it would limit the offeree's liability for the offeror's attorney's fees to an amount not exceeding the amount the offeree paid its own attorney. If the offeree hired its attorney on a contingency basis—an agreement in which a plaintiff does not pay unless it prevails—and, because it lost, paid its attorney nothing, then it would be liable for the offeror's attorney's fees up to the amount that would have been incurred by the offeree for an attorney's noncontingency fee. This will encourage accurate reporting and maintenance of hourly work and costs by attorneys hired under a contingency agreement, since a fee petition containing hours worked must be presented to the court within 10 days of entry of a final judgment, order, or verdict on a claim in order to collect such costs and attorney's fees.

The House passed this settlement encouragement legislation last Congress, and I am convinced it will prove to be a valuable resource to both parties to Federal litigation and to the courts in promoting quick and fair settlement.

This legislation would also amend rule 702 of the Federal Rules of Evidence, which allows expert witnesses to testify as to their expert opinions with respect to scientific, technical, or other specialized knowledge. Such evidence may have an enormous impact on a jury's decision because of its nature. Accordingly, assuring that such evidence is valid and reliable is of utmost importance. With that in mind, the amendment would make a scientific opinion inadmissible unless it is:

First, scientifically valid and reliable; second, has a valid scientific connection to the fact it is offered to prove; and third, sufficiently reliable so that the probative value of such evidence outweighs the dangers specified in Federal rule of Evidence 403.

The standard for admissibility of scientific expert testimony was most recently addressed by the Supreme Court in *Daubert* v. *Merrell Dow Pharmaceuticals, Inc.,* 113 S.Ct. 2786 (1993), on remand, No. 90–55397 (9th Cir., Jan. 4, 1995, Kozinski, J.). In that case, the Supreme Court held that rule 702 does not require that scientific evidence have general acceptance in the relevant scientific community to be admissible. Rather, the Court held that the rule requires that expert testimony rest on a reliable foundation; that is, the methodology from which the evidence is derived must be based on scientific knowledge and be relevant to the task at hand; that is, it must assist the trier of fact and have a logical scientific nexus to the subject matter of the suit or other admitted evidence.

This legislation would serve to codify and is meant to complement the standards established in Daubert by the Supreme Court. It requires that the methodology from which scientific evidence is derived be based on scientific knowledge and that it have a logical, scientific nexus to the subject matter of the suit or other admitted evidence.

Finally, this bill would make expert testimony inadmissible if the witness is entitled to receive any compensation contingent on the legal disposition of any claim with respect to which such testimony is offered. The reason for this provision is that an expert witness who receives a contingency fee is less likely to furnish reliable testimony than one who receives a flat or hourly fee since he or she has a vested interest in the outcome of the litigation. The provision would exclude evidence if the witness receives any contingency fee, even if such fee is not a percentage of the judgment or settlement, but rather is a flat fee or hourly fee the payment of which is contingent upon the legal disposition of the claim.

This bill will prevent trial lawyers from taking advantage of the court system. If there is a consensus in the scientific community that a hazard or risk—usually of a product—is real or substantial, the trial lawyers will implore that consensus to support complaints for compensatory and punitive damages. If the consensus in the scientific community is that a hazard or risk is trivial or imaginary, however, the same lawyers should not be able to brush that fact aside and find fringe experts to testify otherwise. Even in cases where real hazards exist, trial lawyers will attempt to stretch claims beyond validity in order to collect punitive damages. By creating a presumption of inadmissibility, rebutted by the standards created by the Supreme Court in Daubert, along with a lower standard of prejudice, an amended rule 702 will be effective in weeding out junk science as evidence in our Federal courtrooms.

These amendments to rule 702 would apply only to civil and not criminal cases. They would most frequently be used in product liability cases. This will prevent frustration in the important use of scientific evidence such as blood-type analysis and DNA testing in criminal proceedings.

Mr. Speaker, the importance of this legislation to our Federal courts cannot be underestimated. Congress must play a key role in affording Federal litigants efficient, quick, and fair adjudication of their claims. This bill will move us firmly in the right direction.

TRIBUTE TO THE BLACK BEAUTICIANS HEALTH PROMOTION PROGRAM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the U.S. House of Representatives to join me in applauding a new preventive health program. The University of California at San Diego's [UCSD] Cancer Center has been awarded a $300,000 grant for the Black Beauticians Health Promotion Program. The program, sponsored by the Bristol-Myers Squibb Foundation, recruits and trains beauticians working in neighborhood beauty salons to educate their clients on the importance of breast cancer screening and other health lifestyles.

In the pilot study conducted by the UCSD Cancer Center, eight African-American beauticians attempted to determine whether beauticians can serve as educators for health information of special concern to their black clients. The study also questioned whether these beauticians would be able to motivate their clients to adopt health promotion behaviors, such as weight control and smoking cessation. The study was a great success.

Many may ask why beauticians were selected as the messenger in an effort to reach this high-risk population. In many cases, beauticians are well integrated members of the community, and a personal relationship has already been established with each client. Furthermore, the beauty salon is an establishment which many women frequent, and is an environment where personal discussions are quite common. In short, many women and men of all races visit their barber or beautician more frequently than they do their own doctor.

Mr. Speaker, as it now stands, African-American women are at high risk for breast cancer and other serious illnesses. In addition, their mortality rates are disproportionately high as compared to other races. The Bristol-Myers Squibb Foundation grant will be used to permit a statistical evaluation of this educational intervention program's potential impact over a longer period of time.

Mr. Speaker, I am happy to bring this grant to the attention to the House, and I am sure that my colleagues join me in honoring the accomplishments of the University of California at San Diego's Cancer Center, in conjunction with the Bristol-Myers Squibb Foundation.

LEGISLATION INCLUDING SAMOA IN THE FEDERAL HOME LOAN BANK ACT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation to include American Samoa in the Federal Home Loan Bank Act.

For decades there has been inadequate capital available to provide home loans to the qualified residents of American Samoa wishing to make loans to build homes or additions. As Samoa moved toward a credit economy, the mainland financial community had many questions which needed to be answered before they were willing to lend money in Samoa: Would the Samoans pay back their loans? Would the local courts enter judgments against locals in favor of banks? would the chiefs of communal lands permit purchasers of leasehold interests to reside on communal properties?

Each question seemed insurmountable, but over the years we have overcome these hurdles, and today there is only one impediment left—a lack of funding at reasonable rates for home loans. Other rural areas have solved this problem by membership in a Federal home loan bank. In fact, the Federal Home Loan Bank Act makes membership available to banks in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam. In enacting the original legislation, remote American Samoa, one of the areas most in need, was again left in the woods.

The legislation I am introducing today makes a technical change to the definitions section to include American Samoa within the definition of a State. This small change will enable the FDIC-insured local banks to join a Federal home loan bank and gain access to a new source of funding to make loans to the residents in American Samoa. I hope my colleagues will join me in making this small change in the law which will have a significant, beneficial impact on American Samoa.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO DEFINITION OF "STATE".

Section 2(3) of the Federal Home Loan Bank Act (12 U.S.C. 1422(3)) is amended by inserting ''American Samoa,'' after ''Puerto Rico,''.

CONGRATULATIONS TO SHANNON BYRDSONG, MISS BLACK ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I would like to congratulate Miss Black Alaska for her